

CALIFORNIA STATE PERSONNEL BOARD MEETING
Marina del Rey Hotel and Marina
13534 Bali Way
Marina del Rey, California 90202
(310) 301-1000 or 301-1007
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www.spb.ca.gov

Public Session Location - Edgewater Room

Closed Session Location - Edgewater Room

FULL BOARD MEETING MINUTES

JANUARY 3, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Richard Carpenter, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Bilingual Services hearing originally scheduled for this meeting will be rescheduled to February 21, 2001 to provide adequate preparation time.
- B. A revised state medical questionnaire has been prepared and is available on our Web site

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(www.spb.ca.gov). The new questionnaire is intended to comply with the provisions of AB 2222 that went into effect

January 1, 2001. Further refinements to the questionnaire are anticipated.

- C. A report of the Joint Labor-Management Committee on Discrimination has been submitted to the Board.
- D. John Birkenstock, Staff Hearing Officer, is retiring on February 8, 2001.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

- A. Department of Justice v. SPB (Richardson)—In an unpublished decision, the Court of Appeal, Third Appellate District, upheld the Board's decision modifying the dismissal of a 20-year clerical employee to a 90-day suspension. The employee had been charged with failing to return notes attached to four absence reports, for altering a medical excuse to justify an absence, and for lying to her supervisor about the alteration. The DOA argued that SPB abused its discretion by compelling it to retain a dishonest law enforcement employee with a history of absenteeism. The court found that SPB did not abuse its discretion by distinguishing a typist or clerk from a police officer or prosecutor or by distinguishing an attempt to excuse an absence from dishonesty in the performance of her duties.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. The Board has withdrawn two of its legislative proposals for the 2001-2002 legislative year. The legislative staff, in cooperation with the Departments affected, will continue to work on resolution to these issues. They are: "Elimination of Time Limits for Employment of Retirees" and "State Contracts."

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5. PERS UPDATE: - Sean Harrigan

The Board was advised of the following:

- A. The Ad Hock committee on Governance chaired by SPB member Sean Harrigan has been examining issues involving Board member support, release time and Codes of Conduct. The committee expects to meet for six more weeks and develop recommendations for the Board.
- B. The PERS Board has adopted guidelines for investing in emerging markets. The Board is now determining how those guidelines will be implemented and what weight will be assigned to the various factors.
- C. The Board recently decided issues involving the PERS Care and PERS Choice health programs. The programs have been restructured and the employee costs have been increased by 5.2 percent.

6. ORAL ARGUMENT

Oral argument in the matter of DAVID PINSON, CASE NO. 99-5344P. Appeal from 5 working days suspension. Department of Corrections.

Persons Participating:

Wendell Lopiz, Attorney at Law representing appellant

ACTION: Submitted

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 7-8, 2000

ACTION: Adopted on January 3, 2001.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: See page 18.

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9. ADMINISTRATIVE LAW JUDGE CASES

On January 3, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

CHIEF COUNSEL RESOLUTIONS

WAYNE MORERA, CASE NO. 00-3727

Appeal from Dismissal

Department of Transportation

ACTION: Stipulation for settlement approved

ALTON BARKER, CASE NO. 00-3899

Appeal from Dismissal

Department of Transportation

ACTION: Stipulation for settlement approved

MICHAEL FORCH, CASE NO. 00-3896

Appeal from Dismissal

Department of Transportation

ACTION: Stipulation for settlement approved

PROPOSED DECISIONS

AMOS NUGENT, CASE NO. 00-1461

Appeal from Dismissal

State Board of Equalization

ACTION: Dismissal sustained without modification

DENISE HALL, CASE NO. 00-0973

Appeal from Discrimination Complaint

Department of Veterans Affairs

ACTION: Submitted

PATRICIA WILLIAMS, CASE NO. 00-1728

Appeal from Determination of Back Salary, and Benefits after Reinstatement

Department of Corrections

ACTION: Appeal denied

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RICHARD T. ANDERSON, CASE NO. 00-2609
Appeal from Limited Term/SPB Rule 282
Department of Forestry and Fire Protection
ACTION: Appeal denied and name not cleared

CASSANDRA Y. CLADY, CASE NO. 00-3080
Appeal from Five Percent Reduction in Salary for Five
Months
Department of Employment Development
ACTION: 5 percent reduction in salary for 5 months
sustained

TODD HARRIS, CASE NO. 99-5539
Appeal from Dismissal
Department of Transportation
ACTION: Dismissal modified to 30 calendar days
suspension

JAMES HARRIS, CASE NO. 00-1639
THOMAS CHAPMAN, CASE NO. 00-1707
Appeal from Layoff
Department of Social Services
ACTION: Dismissed for lack of jurisdiction

LIEM C. VU, CASE NO. 00-1743
Appeal from Dismissal
Department of Veterans Affairs of California
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

NANCY MACDONALD, CASE NO. 00-0723
Appeal from Demotion
Department of Motor Vehicles
ACTION: Submitted

GLORIA J. MCGILL, CASE NO. 00-2741
Appeal from Five Percent Reduction in Salary for
Three Pay Periods
Board of Equalization
ACTION: Five percent reduction in salary modified to
official reprimand

PATRICIA A. O'NEILL, CASE NO. 00-1538

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Appeal from Official Reprimand

Department of Corrections

ACTION: Official reprimand sustained

CHARLES VILLATORO, CASE NO. 00-1631

Appeal from Ten Percent Reduction in Salary for the
Period of Twelve Months

Department of Corrections

ACTION: Submitted

WILLIE WRIGHT, 111, CASE NO. 00-0637

Appeal from Demotion for 12 Months

Department of Health Services

ACTION: Demotion for 12 months of Staff Toxicologist
(Specialist) to Associate Toxicologist sustained.

PETITIONS FOR REHEARING

TINA GABRIALT, CASE NO. 00-1040P

Appeal from Three Working Days Suspension

County of Merced

ACTION: Petition for rehearing filed by Department
denied

REGINALD L. CLARK, CASE NO. 00-2560P

Appeal of LT/TAU Termination

Department of General Services

ACTION: Petition for rehearing filed by appellant denied

STAN BLONDEK, CASE NO. 99-3496P

Appeal from Dismissal

Department of Youth Authority

ACTION: Petition for rehearing filed by appellant
granted

JOE C. DAVIS, CASE No. 00-1576P

Appeal from Termination with Fault

Department of Parks and Recreation

ACTION: Petition for rehearing filed by appellant denied

BARBARA J. OLSON, CASE NO. 99-4938P

Appeal from Discrimination/Retaliation Complaint

California Trade and Commerce Agency

ACTION: Petition for rehearing filed by appellant denied

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MARY H. WILLIS, CASE NO'S. 00-0987P,
00-0952P and 00-2073P

Appeals from Denial of Reasonable Accommodation;
Constructive Medical Termination; and Rejection during
Probation

Department of Justice

ACTION: Petition for rehearing filed by appellant denied

CLARENCE WORMLEY, CASE NO. 00-1716P

Appeal from 60 Calendar Days Suspension

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied

KRISTINA HUTCHINGS, CASE NO. 00-0353P

Appeal from 5% Reduction in Salary for Six Pay Periods

Board of Equalization

ACTION: Petition for rehearing filed by appellant
granted

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 19 - 20.

11. MISCELLANEOUS APPEALS DIVISION CASES

Withholds, Voided Appointments, Rule 211 Appeals,
Petitions for Rehearing

On January 3, 2001, the Board adopted the following
decisions presented by Elise Rose, Chief Counsel,
California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. GLENDA NUNN, CASE NO. 00-1305

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

B. RAYMOND LAWSON, CASE NO. 00-0364

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

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- C. JONATHAN GREEN, CASE NO. 00-3417
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- D. JIMMY L. POLK, CASE NO. 00-2641
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- E. LYDIA BOOKER, CASE NO. 00-2641
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED
- F. CARLOS MONTEZ, CASE NO. 00-1200
Classification: Sr. Environmental Planner
Department of Transportation
ACTION: DENIED
- G. SHERRY L. AUGUSTON, CASE NO. 00-0615
Classification: Hospital Peace Officer I
State Personnel Board
ACTION: DENIED
- H. DARCY WULFF, CASE NO. 00-1138
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- I. THERESA H. BOBER, CASE NO. 00-2317
Classification: Sup. Integ. Wast. Mgmt. Spec. I
Integrated Waste Management Board
ACTION: DENIED
- J. WARREN WHITE, CASE NO. 00-0775
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- K. TIFFANY FOSTER, CASE NO. 00-1702
Classification: Correctional Officer
Department of Corrections

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ACTION: DENIED

- L. BILL SMITH, CASE NO. 00-1704
Classification: Staff Services Analyst (G)
State Personnel Board
ACTION: DENIED
- M. ALEXIS SUAREZ, CASE NO. 00-1646
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- N. MIKEAL STACHER, CASE NO. 00-1607
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- O. TAWANA NOBLE, CASE NO. 00-2497
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- P. RICHARD PHILLIPS, CASE NO. 00-1184
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- Q. RICHARD P. ESQUIBEL, CASE NO. 00-2711
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- R. JAMES H. CONRAD, CASE NO. 00-1857
Classification: Electrician III, (CF)
Department of Corrections
ACTION: DENIED
- S. VINCENT VULTAGGIO, CASE NO. 00-2574
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- T. DEREK STEVEN FLONNOY - CASE NO. 00-1436
Classification: Correctional Officer
Department of Corrections

ACTION: DENIED

- U. AARON E. BEEDE, CASE NO. 00-1507
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED
- V. BENJAMIN F. KOLB, CASE NO. 00-0822
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- W. BRIDGET BLOUNT, CASE NO. 00-2872
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DENIED
- X. YOLANDA M. GERALD, CASE NO. 00-1789
Classification: Correctional Officer
Department of Corrections
ACTION: RESCINDED
- Y. ERIC GUY NEVAREZ, CASE NO. 00-1435
Classification: Correctional Officer
Department of Corrections
ACTION: RESCINDED
- Z. JODY CANTLAY, CASE NO. 00-0778
Classification: Correctional Officer
Department of Corrections
- AA. MIKE CARNEY, CASE NO. 00-0838
Classification: Correctional Officer
Department of Corrections
- BB. BEN W. CATHEY, CASE NO. 00-0698
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- CC. GUADALUPE Y. AYON, CASE NO. 00-1400
Classification: Correctional Officer
Department of Corrections

ACTION: DISMISSED

DD. TRACY L. BAXTER, CASE NO. 99-4735
Classification: Motor Vehicle Field Rep.
Department of Motor Vehicles
ACTION: DISMISSED

12. MEDICAL APPEALS

On January 3, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. KIMBERLY A. RORABAUGH, CASE NO. 00-1128
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

B. JEFFERSON B. MALONE, CASE NO. 00-1511
Classification: Psychiatric Technician
Department of Mental Health
ACTION: DENIED

C. DARLA F. CHECCHIN, CASE NO. 00-1513
Classification: Parole Agent I, Adult Parole
Department of Corrections
ACTION: DENIED

D. VICTORIA KOZLOWSKI, CASE NO. 98-3956
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

E. MARIAN P. WASILEWSKI, CASE NO. 00-1403
Classification: Psychiatric Technician
Department of Developmental Services
ACTION: DENIED

F. IAN M. HOEY, CASE NO. 00-3265
Classification: Cadet, CHP
State Personnel Board
ACTION: GRANTED

G. FREDDIE ESPIRITU, CASE NO. 00-3611
Classification: Cadet, CHP
State Personnel Board

ACTION: GRANTED

H. GARY HOLTHE, CASE NO. 00-3612
Classification: Correctional Officer
State Personnel Board
ACTION: GRANTED

I. KENNETH GILBERT, CASE NO. 00-3665
Classification: Youth Correctional Counselor
State Personnel Board
ACTION: GRANTED

J. REBECCA QUINTANA, CASE NO. 00-3783
Classification: Correctional Officer
State Personnel Board
ACTION: GRANTED

K. VALERIE SOARES, CASE NO. 00-3755
Classification: Correctional Officer
State Personnel Board
ACTION: GRANTED

L. TERRY WILLARD, CASE NO. 00-2464
Classification: Fire Fighter, CF
Department of Corrections
ACTION: RESCINDED

13. EXAMINATION APPEALS

On January 3, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

A. TREVOR D'SA, CASE NO. 00-1695
Classification: System Software Spec I (Tech)
Department of Industrial Relations

14. REQUEST TO FILE CHARGES CASES

On January 3, 2001, the Board took the following actions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

- A. WESLEY WARDALL, CASE NO. 99-4900
An employee with the Department of Forestry and Fire Protection (CDF)
ACTION: DENIED
- B. MARLENA SPRAGUE, CASE NO. 00-1672
An employee with the Prison Industry Authority (PIA)
ACTION: GRANTED

15. NON-HEARING CALENDAR

On January 3, 2001, the Board adopted items A-C. These items were presented by Elise Rose, Chief Counsel, California State Personnel Board.

- A FRAUD PREVENTION SPECIALIST CLASS SERIES
SENIOR FRAUD PREVENTION SPECIALIST
SUPERVISING FRAUD PREVENTION SPECIALIST
The Department of Health Services proposes establishment of a new classification series composed of Fraud Prevention Specialist, Senior Fraud Prevention Specialist, and Supervising Fraud Prevention Specialist each with a 12-month probationary period.
- B. MECHANICAL ENGINEER
The Department of Personnel Administration is requesting to rescind the revision of Alternate Range Criteria 70 adopted by the State Personnel Board on April 18, 2000 and to adopt a new Alternate Range Criteria 428 for the Mechanical Engineer class.
- C. ADMINISTRATIVE MANAGER, CALIFORNIA HIGHWAY PATROL
The California Highway Patrol proposes establishment of a new class titled Administrative Manager, California Highway Patrol.

16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

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A. EXECUTIVE ASSISTANT, CALIFORNIA MUSEUM OF SCIENCE AND INDUSTRY

The Department of Personnel Administration and California Science Center propose a title change and minor specification changes to the class of Executive Assistant, California Museum of Science and Industry.

B. CONSTRUCTION SUPERVISOR I
CONSTRUCTION SUPERVISOR II
CONSTRUCTION SUPERVISOR III

The Department of General Services proposes minor specification revisions to the minimum qualifications for the classes of Construction Supervisor I, II, and III to allow experience for the education on the basis of 2 years experience and qualifying one-year education.

C. TRANSPORTATION SURVEYOR (CALTRANS)

The Department of Transportation proposes to amend Alternate Range Criteria 418 for the class of Transportation Surveyor (Caltrans) to include a definition of "professional surveying experience" for the purpose of meeting the alternate range criteria.

ACTION: Noted

17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT SECRETARY FOR FACILITIES PROGRAMS

The California Environmental Protection Agency proposes to allocate the above position to the CEA category. The Assistant Secretary for Facilities Programs will be responsible for overseeing and coordinating the usage of the agency's facilities statewide including the new headquarters building. The department indicates that the position is at the third organizational level and will report to the Deputy Secretary level.

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- (2) ASSISTANT SECRETARY FOR DATA INTEGRATION
The California Environmental Protection Agency (Cal/EPA) proposes to allocate the above position to the CEA category. The Assistant Secretary for Data Integration will be responsible for project management of Cal/EPA's Integrated Data for Environmental Assessment Project initiative. The department indicates that the position is at the third organizational level and will report to the Deputy Secretary level.
- (3) CHIEF, SCIENTIFIC DIVISION
The Department of Fish and Game proposes to allocate the above position to the CEA category. The Chief, Scientific Division will have significant program responsibility in directing and managing the most sensitive and complex programs of the Scientific Branch, including Resource Assessment, Response Support, Veterinary Services, Water Pollution Laboratory, Pesticides Laboratory, Marine Pollution Studies and a Petroleum Chemical Laboratory. The department indicates that the position will be at the third organizational level and will report to the Chief Deputy Administrator, Office of Spill Prevention and Response.
- (4) DEPUTY DIRECTOR, COMMUNITY SUPPORT DIVISION
The Department of Developmental Services proposes to allocate the above position to the CEA category. The Deputy Director, Community Support Division will be responsible for the management and policy direction of all community programs and services that are available to persons with developmental disabilities either through vendors of the regional centers or through generic sources such as Medi-Cal, education, mental health, social services, health services and rehabilitation. The department indicates that the position will be at the second organizational level and will report to the Chief Deputy Director.
- (5) SPECIAL ASSISTANT TO THE DIRECTOR

The Business Transportation & Housing Agency proposes to allocate the above position to the CEA category. The Special Assistant to the Director will serve as a high-level staff specialist with major level agency coordination and program planning responsibilities and will provide the Secretary with objective, independent advice and recommendations on significant policy issues affecting the full range of programs administered by the agency's 13 departments. The department indicates that the position will be at the second organizational level and will report to the Secretary.

(6) CHIEF DEPUTY DIRECTOR

The Alcohol and Drug Program proposes to allocate the above position to the CEA category. The Chief Deputy Director will be a member of the directorate and will have statewide programmatic responsibility for alcohol and drug prevention and treatment programs. The department indicates that the position will be at the first organizational level and will report to the Director.

(7) CHIEF, INFORMATION TECHNOLOGY DIVISION

The California State Teacher's Retirement System proposes to allocate the above position to the CEA category. The Chief, Information Technology Division will oversee the delivery of information technology services to the California State Teacher's Retirement System. The department indicates the position will be at the third organizational level and will report to the Deputy Chief Executive Officer, Information and Financial Systems Branch.

(8) MANAGER, COMMUNITY DEVELOPMENT BRANCH
MANGER, HEALTH AND DEVELOPMENT SERVICES BRANCH
MANAGER, RESIDENTIAL SERVICES BRANCH
MANAGER, REGIONAL CENTER BRANCH

The Department of Developmental Services proposes to allocate the above positions to the CEA category. These positions will have full responsibility for managing and supervising

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their individual branches. The department indicates that these positions will be at the third organizational level and will report to the Deputy Director level.

(9) DEPUTY DIRECTOR, COMMUNITY OPERATIONS DIVISION

The Department of Developmental Services proposes to allocate the above position to the CEA category. The Deputy Director, Community Operations Division will be responsible for the leadership, management, and accountability of 21 private corporations with which the department contracts for the delivery of lifelong services for approximately 160,000 persons with developmental disabilities in California. The department indicates the position will be at the second organizational level and will report to the Chief Deputy Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) CHIEF FINANCIAL OFFICER

The Health & Human Services Agency Data Center's request to allocate the above position to the CEA category has been approved on a 2 year limited term basis effective November 15, 2000.

(2) ASSISTANT DIRECTOR OF TECHNOLOGY ASSESSMENT
PLANNING AND DEVELOPMENT

The Department of Conservation's request to allocate the above position to the CEA category has been approved effective November 17, 2000.

(3) CHIEF, FIELD SERVICES DIVISION

The Department of Parks and Recreation's request to allocate the above position to the CEA category has been approved effective November 20, 2000.

(4) CHIEF, FINANCIAL SERVICES BRANCH

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The Department of Motor Vehicles' request to allocate the above position to the CEA category has been approved effective November 27, 2000.

- (5) EXECUTIVE DIRECTOR, SALINAS VALLEY PSYCHIATRIC PROGRAM

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective November 27, 2000.

- (6) ASSISTANT DEPUTY DIRECTOR, CHILD SUPPORT SERVICES DIVISION

The Department of Child Support Services request to allocate the above position to the CEA category has been approved effective November 28, 2000.

- (7) CHIEF, COUNTY SUPPORT BRANCH

The Department of Child Support Services request to allocate the above position to the CEA category has been disapproved effective November 28, 2000.

- (8) ASSISTANT DEPUTY DIRECTOR, ADMINISTRATIVE RESOURCES BRANCH
CHIEF, POLICY DEVELOPMENT BRANCH

The Department of Child Support Services request to allocate the above position to the CEA category has been disapproved effective November 29, 2000.

- (9) ECOSYSTEM RESTORATION PROGRAM MANAGER CALFED BAY-DELTA PROGRAM
WATER MANAGEMENT PROGRAM MANAGER CALFED BAY-DELTA PROGRAM

The Department of Water Resources request to allocate the above positions to the CEA category has been approved effective November 30, 2000.

- (10) ASSISTANT DEPUTY DIRECTOR, CHILDREN AND FAMILY SERVICES DIVISION

The Department of Social Services request to allocate the above position to the CEA category has been approved effective December 4, 2000, for a period of 3 years.

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(11) ASSISTANT DIRECTOR, FACILITIES & FISCAL
MANAGEMENT

The Department of Justice's request to allocate the above position to the CEA category has been approved effective December 6, 2000.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

(1) CHIEF, OCCUPATIONAL LICENSING BRANCH

The Department of Motor Vehicles is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND
1/1/99

(1) REGIONAL MANAGER, NORTHERN REGION

The Department of Social Services request to refill the above position has been approved effective November 28, 2000.

(2) CHIEF, DISASTER ASSISTANCE PROGRAM BRANCH

The Office of Emergency Services request to refill the above position has been approved effective November 30, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held September 6, 2000).

NO ACTION

2. WILLIAM SULLIVAN, CASE NO. 99-3904. Appeal from dismissal. Department of Corrections. (Oral argument held September 6, 2000).

NO ACTION

3. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and transfer. Department of Corrections. (Oral argument held November 1, 2000).

NO ACTION

4. TERRANCE WILSON, CASE NO. 00-0836. Appeal from dismissal. Department of Corrections. (Oral argument held December 7, 2000).

NO ACTION

5. JOHN MEDEIROS, CASE NO. 99-4812. Appeal from dismissal. Department of Corrections. (Oral argument held December 7, 2000).

NO ACTION

6. LISANDRO DE HOYOS, CASE NO. 99-1478. Appeal from discrimination and retaliation. Department of Corrections. (Oral argument held December 8, 2000).

NO ACTION

CURRY THOMAS, CASE NO. 00-2233. Appeal from 90-calendar day's suspension. Department of Transportation. (Proposed decision presented December 7, 2000).

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.

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NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on January 3, 2001.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Carpenter, Harrigan - Aye.